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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AMMON E. BUNDY, *et al.*,

Defendants.

CASE NO.: 2:16-cr-00046-GMN-PAL

**DEFENDANT AMMON E. BUNDY'S
EMERGENCY MOTION TO CONTINUE
DETENTION HEARING**

Detention Hearing Date: 4/20/16

Detention Hearing Time: 1:30 p.m.

This is defendant Ammon E. Bundy's ("Ammon") EMERGENCY MOTION TO CONTINUE DETENTION HEARING. Ammon's detention hearing is currently scheduled for **April 20, 2016 at 1:30 p.m.** This motion is being filed on an emergency basis because the current detention hearing date does not allow for full briefing. For the following reasons, Ammon requests a five-day continuance of his detention hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT

Under the Bail Reform Act, a defendant may request a continuance of his detention hearing beyond his first appearance. *See* 18 U.S.C. § 3142(f)(2)(B). Typically, "a continuance on motion of such person may not exceed five days (*not including* any intermediate Saturday, Sunday, or legal holiday)," but the continuance may be longer "for good cause." *Id.* (emphasis supplied). Of importance to this motion, when considering the propriety of release, one factor courts consider is "the

1 weight of the evidence against the defendant.” *United State v. Gerbo*, 948 F.2d 1118, 1121 (9th Cir.
2 1991). Of course, although the Court considers the weight of evidence, the Bail Reform Act does not
3 “modify[] or limit[] the presumption of innocence.” 18 U.S.C. § 3142(j).

4 Here, Ammon’s ability to convey to this Court the exculpatory nature of much of the available
5 evidence is hampered by a number of factors. First, although the government has been in possession
6 of, as it represents, over a terabyte of discovery for presumably over a year, no portion of it has yet
7 been produced. Still, Ammon is aware of material—such as photographs and videos—and how, with
8 adequate time, his counsel can obtain it. Second, many of the eyewitnesses and character witnesses,
9 and the material they have for review, are a significant distance from the undersigned, either in
10 outlying cities or other states. Neither Ammon’s counsel nor his investigators can collect this material
11 by Wednesday, April 20, 2016.

12 Ammon expects this material to demonstrate, among other things, that the law enforcement
13 officers in this case built militarized compounds, complete with sniper towers, barricades, and
14 floodlights, from the get go, well before any contact with Ammon or the protestors that began trickling
15 in days later. The material is also expected to show that, while the law enforcement officers arrived at
16 the ranch with weapons and ammunition, Ammon arrived later with food and water and plans to cook
17 for any protestors who might show up. In fact, Ammon will show the Court that he even prominently
18 displayed a sign declaring “Family Friendly—No Alcohol or Guns!” at the main protest site,
19 illustrating the peacefulness of the protest. If there was any actual display of weapons, it was only in
20 self-defense after the militarized escalation by the agents, which, information indicates, included
21 snipers who landed laser sights on women and children. With adequate time to assemble these
22 materials, Ammon intends to argue that, in light of the materials, he will run to—not from—this case.

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1 **II. CONCLUSION**

2 Good cause exists for an additional continuance of Ammon's detention hearing. It should be
3 noted that Ammon has only received a three-day continuance so far, because the Bail Reform Act
4 excludes weekends. For the foregoing reasons, then, Ammon respectfully requests that this Court
5 continue his detention hearing an additional five days from its current setting.

6 Respectfully submitted this 19th day of April 2016.

7 **WOLF, RIFKIN, SHAPIRO,**
8 **SCHULMAN & RABKIN, LLP**

9 By: /s/ Daniel J. Hill

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of April 2016, a true and correct copy of **DEFENDANT AMMON E. BUNDY'S EMERGENCY MOTION TO CONTINUE DETENTION HEARING** was served via the United States District Court CM/ECF system on all parties or persons requiring notice

By /s/ Jennifer Finley

Jennifer Finley, an Employee of
WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP